GOVERNMENT OF INDIA
LABOUR
LOK SABHA

UNSTARRED QUESTION NO:2054
ANSWERED ON:02.12.2002
VERIFICATION OF LABOUR UNIONS
PRAHLAD SINGH PATEL

Will the Minister of LABOUR be pleased to state:

(a) whether the Union Government propose to give recognition to various Trade Unions in the country;

(b) if so, the criteria adopted for providing recognition to the said Unions;

(c) whether regular verification is conducted from time to time; and

(d) if so, the details thereof?

Answer

MINISTER OF STATE IN THE MINISTRY OF LABOUR (SHRI ASHOK PRADHAN)

(a): Government of India does not give recognition to Trade Unions. However, on the request of the parties, Ministry of Labour conducts verification of membership of unions operating in the establishment in Central Sphere under Code of Discipline.

(b): The criteria for recognition of trade unions is laid down in the Code of Discipline in Industry.The text of which is given in the statement attached.

(c) & (d): There is no law in the central sphere regarding verification of membership of Trade Unions except in case of Nationalised Banks and State Banks. However, as per the Code of Discipline, the term of recognized union operating in establishments other than Nationalised Banks and State Banks, is 2 years.

STATEMENT REFERRED TO IN REPLY TO PART (b) OF LOK SABHA UNSTARRED QUESTION NO.2054 FOR 02.12.2002.

CRITERIA FOR RECOGNIION OF UNIONS

1. Where there is more than one union, a union claiming recognition should have been functioning for at least one year after registration. Where there is only one union, this condition would not apply.

2. The membership of the union should cover at least 15% of the workers in the establishment concerned, Membership would be counted only of those who had paid their subscription for a t least three months during the period of six months immediately preceding the reckoning.

3. A union may claim to be recognized as a representative union for an industry in a local area if it has a membership of at least 25% of the workers 0of that industry in that area.

4. When a union has been recognized, there should be no change in its position for a period of two years.

5. Where there are several unions in an industry or establishment, the one with the largest membership should be recognized.

6. A representative union for an industry in an area should have the right to represent the workers in all the establishments in the industry, but if a union of workers in a particular establishment has a membership of 50% or more of the workers of that establishment it should have the right to deal with matters of purely local interest such as, for instance the handling of grievances pertaining to its own membership. All other workers who are not members of that union might either operate through the representative union for the industry or seek redress directly.

7. In the case of trade union federations which are not affiliated to any of the four central organization of labour, the question of recognition would have to be dealt with separately.

8. Only unions which observed the Code of Discipline would be entitled to recognition.